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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,988	07/22/2003	Nigel Thorneywork	3022.010USU	8169
7590	11/28/2005		EXAMINER	
Paul D. Greeley, Esq. Ohlandt, Greeley, Ruggiero & Perle, L.L.P. 10th Floor One Landmark Square Stamford, CT 06901-2682			BASICHAS, ALFRED	
			ART UNIT	PAPER NUMBER
			3749	
DATE MAILED: 11/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,988

Applicant(s)

THORNEYWORK, NIGEL

Examiner

Alfred Basichas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005 and 24 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4-6,8-11 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4-6,8-11 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/24/05
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Drawings

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 2, 4-6, 8-11, 15, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sylvain (France Pat. 2705766) in view of Thorneywork (U.K. Pat. 2349458) and Kummer (DE4139904). Sylvain discloses, among other things, substantially all of the claimed limitations. Sylvain discloses an oven comprising a cooking chamber 6 defined by chamber walls 3, a baffle plate 16 (central portion thereof) mounted within the cooking chamber for directing the flow of air within the

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cooking chamber, the baffle plate being provided with at least one aperture 17, a fan 25 for moving air within the cooking chamber, and for maintaining a flow of air through the aperture, and a catalytic converter 20 located within the cooking chamber, wherein the catalytic converter is mounted both on the baffle plate and upstream of the fan. Sylvain further discloses the baffle plate including a plurality of perforations 28 (see at least fig. 3). However, Sylvain does not disclose a grease filter mounted upstream of the catalytic converter, a plurality of perforations, or the air directed around the baffle.

a. While Sylvain discloses a complete opening in the baffle plate, it does not specifically recite the opening being in the form of perforations or the air directed around the baffle. Nevertheless, Kummer teaches a baffle 4 with perforations 5 with air directed around the edges of the baffle (see at least fig. 1). The claimed arrangement is an obvious modification based on design choice, and depends on spatial considerations. As taught by Kummer, this arrangement is old and well known. Further, in view of the absence of criticality for this particular design, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this arrangement, at least as taught by Kummer, into the invention disclosed by Sylvain, as a matter of design choice.

b. Thorneywork teaches the use of a grease filter 34 mounted on an upstream side of a catalytic converter 38 for the purpose of removing any large particles of grease from the air before the air reaches the catalytic converter. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the oven of Sylvain with a grease

filter in the manner as taught by Thorneywork in order to remove any large particles of grease from the air before the air reaches the catalytic converter or the fan depending on the position of the filter. As regards claims 4-6, mounting the grease filter and/or the catalytic converter in the recited manner appears to be a matter of design choice obvious to one of ordinary skill in the art at the time the invention was made. This is further reinforced by applicant's claiming various locations and the lack of disclosure of any criticality for these locations.

Response to Arguments

4. Applicant's arguments with respect to the claim have been considered but are moot in view of the new grounds of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Basichas whose telephone number is 571 272 4871. The examiner can normally be reached on Monday through Friday during regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571 272 4828. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center telephone number is 571 272 3700.

November 18, 2005


Alfred Basicas
Primary Examiner